

AMENDED IN ASSEMBLY JULY 7, 1995

AMENDED IN ASSEMBLY JUNE 26, 1995

AMENDED IN SENATE MAY 23, 1995

AMENDED IN SENATE APRIL 3, 1995

SENATE BILL

No. 509

Introduced by Senator Campbell

February 17, 1995

An act to amend Sections 4320 and 4330 of, and to add Section 4304 to, the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

SB 509, as amended, T. Campbell. Spousal support.

Under existing law, in a judgment of dissolution of marriage or legal separation of the parties, the court is authorized to order a party to pay spousal support, as the court determines is just and reasonable, based on the standard of living established during the marriage and taking into consideration specified circumstances.

This bill would require the court to consider additional specified circumstances in ordering spousal support, including the goal that the supported party shall be self-supporting after a reasonable period of time, as provided. The bill would provide that the failure of a supported spouse to make reasonable, good faith efforts to become self-supporting as soon as is reasonably possible is a change of circumstances for purposes of modification or termination of the spousal support order. The bill would also require every

order for spousal support to contain a notice regarding these provisions. ~~This notice would also state that nothing in this section shall preclude a spouse from choosing to be a homemaker or childrearing as a career.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4304 is added to the Family
2 Code, to read:

3 4304. The failure of a supported spouse to make
4 reasonable, good faith efforts to become self-supporting
5 as soon as is reasonably possible is a change of
6 circumstances for purposes of modification or
7 termination of the spousal support order.

8 SEC. 2. Section 4320 of the Family Code is amended
9 to read:

10 4320. In ordering spousal support under this part, the
11 court shall consider all of the following circumstances:

12 (a) The extent to which the earning capacity of each
13 party is sufficient to maintain the standard of living
14 established during the marriage, taking into account all
15 of the following:

16 (1) The marketable skills of the supported party; the
17 job market for those skills; the time and expenses
18 required for the supported party to acquire the
19 appropriate education or training to develop those skills;
20 and the possible need for retraining or education to
21 acquire other, more marketable skills or employment.

22 (2) The extent to which the supported party's present
23 or future earning capacity is impaired by periods of
24 unemployment that were incurred during the marriage
25 to permit the supported party to devote time to domestic
26 duties.

27 (b) The extent to which the supported party
28 contributed to the attainment of an education, training,
29 a career position, or a license by the supporting party.

30 (c) The ability to pay of the supporting party, taking
31 into account the supporting party's earning capacity,

1 earned and unearned income, assets, and standard of
2 living.

3 (d) The needs of each party based on the standard of
4 living established during the marriage.

5 (e) The obligations and assets, including the separate
6 property, of each party.

7 (f) The duration of the marriage.

8 (g) The ability of the supported party to engage in
9 gainful employment without unduly interfering with the
10 interests of dependent children in the custody of the
11 party.

12 (h) The age and health of the parties.

13 (i) The immediate and specific tax consequences to
14 each party.

15 (j) The balance of the hardships to each party.

16 (k) The goal that the supported party shall be
17 self-supporting after a reasonable period of time, which
18 generally shall be no greater than one-half of the duration
19 of the marriage.

20 (l) Any other factors the court determines are just and
21 equitable.

22 SEC. 3. Section 4330 of the Family Code is amended
23 to read:

24 4330. (a) In a judgment of dissolution of marriage or
25 legal separation of the parties, the court may order a party
26 to pay for the support of the other party an amount, for
27 a period of time, that the court determines is just and
28 reasonable, based on the standard of living established
29 during the marriage, taking into consideration the
30 circumstances as provided in Chapter 2 (commencing
31 with Section 4320).

32 (b) Every order for spousal support, whether the
33 order is for a specific amount or simply a reservation of
34 jurisdiction, shall contain the following admonition:

35 “It is the goal of this state that each party shall become
36 self-supporting as soon as is reasonably possible, so that
37 the failure to make reasonable, good faith efforts to do so
38 shall be considered a change of circumstances and may be
39 the basis for an order modifying support downward or
40 ~~terminating support. Nothing in this section shall~~

1 ~~preclude a spouse from choosing to be a homemaker or~~
2 ~~childrearing as a career. Full-time childrearing is a valued~~
3 ~~option.” terminating support.”~~

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